

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
SEA WITCH MARITIME LTD.,

Plaintiff,

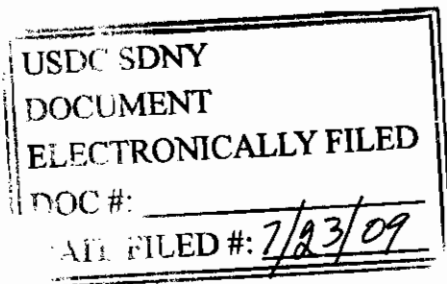
-against-

07 Civ. 11409 (LAK)

M.C.V. EGYPT S.A., etc.,

Defendant.
----- x

ORDER




LEWIS A. KAPLAN, *District Judge.*

The complaint in this action seeks a Rule B maritime attachment in aid of proceedings in Egypt. After obtaining process of maritime attachment and garnishment and attaching certain property of the defendant, plaintiff moves for a default judgment and an order requiring the garnishee banks to turnover the attached property.

The motion is denied because it seeks relief different in kind and amount from that sought in the complaint. Fed. R. Civ. P. 54(c). Moreover, it is at least debatable whether the defendant is in default inasmuch as the only purported service was made by dispatching papers by Federal Express, which does not appear to constitute proper notice under Supp. Adm. R. B(2).

SO ORDERED.

Dated: July 22, 2009



Lewis A. Kaplan
United States District Judge